

IN THE

Court of Appeal of the State of California

IN AND FOR THE

Fifth Appellate District

COURTROOM PROCEEDINGS

The court met in its courtroom at 10:00 A.M. Present: Honorable Nickolas J. Dibiaso, Acting Presiding Justice; Honorable Timothy S. Buckley, Associate Justice; Honorable Gene M. Gomes, Associate Justice; and Julie Bagoye, Assistant Clerk/Administrator, by Anthony Lauria, Senior Deputy Clerk.

F046326 Fresno County Office of Education v. Public Employee Relations Board; Fresno County Office of Schools etc.

Cause called and argued by Paul M. Loya, Esq., counsel for petitioner and by Mary Creith, Esq., counsel for respondent and by Ballinger G. Kemp, Esq., counsel for real party.

Cause ordered submitted.

F045759 Lymp v. The Department of Toxic Substance Control et al.

Cause called. Alfred Whitehurst, Esq., counsel for appellant submits the matter on briefs previously filed. Claudia Polsky, Deputy Attorney General, counsel for respondent submits the matter on briefs previously filed.

Cause ordered submitted.

Court recessed until Thursday, August 25, 2005 at 11:00 A.M.

F046751 In re Flavio E., a Minor

Counsel having failed to request oral argument in accordance with the provisions of a notice mailed to counsel, the case is submitted for decision.

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F046751 In re Flavio E., a Minor

The orders requiring Flavio to submit to testing for AIDS antibodies and imposing a 10-year MPC are reversed. The matter is remanded to the juvenile court 1) to allow the prosecutor or Pauline S. to petition the trial court for order requiring Flavio to be tested for AIDS antibodies under Health and Safety Code section 121055, and 2) to consider imposing a shorter MPC at the CYA based on the facts and circumstances that brought Flavio before the juvenile court. In all other respects, the judgment is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F046727 People v. Ferguson

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

F046727 People v. Ferguson

The judgment is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F047879 In re Nicole S. et al., Minors

IT IS HEREBY ORDERED that the appeal in the above-entitled action is dismissed.

F046628 People v. Brown

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

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F046628 People v. Brown

The judgment is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F045760 People v. McCosker

Oral argument having been waived in accordance with the provisions of a notice mailed to counsel, the case is submitted for decision.

F047904 In re Tanner B. et al., Minors

No brief or request for extension of time having been filed IT IS HEREBY ORDERED that the appeal in the above-entitled action is dismissed.

F046254 People v. Avila

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

F046254 People v. Avila

The case is remanded for the limited purpose of computing time-served credits. Otherwise, the judgment is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F046086 People v. Harvey

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

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- F046086** **People v. Harvey**
The judgment is affirmed.
By the Court.
[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]
- F048513** **House of London, Inc. v. Creek**
IT IS HEREBY ORDERED that the appeal in the above-entitled
action is dismissed.
- F046794** **People v. Hamilton**
Counsel having failed to request oral argument in the above-
entitled case, oral argument is deemed waived in accordance with the
provisions of a notice heretofore mailed to counsel and the cause is
submitted.
- F046794** **People v. Hamilton**
The judgment is affirmed.
By the Court.
[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]
- F048510** **House of London, Inc. v. Creek**
IT IS HEREBY ORDERED that the appeal in the above-entitled
action is dismissed.